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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,007	04/20/2006	Antonio Macchi Cassia	1029.1030	1345
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EXAMINER				
ALIE, GHASSEM				
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3724				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,007

Applicant(s)

CASSIA, ANTONIO MACCHI

Examiner

GHASSEM ALIE

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date 12/28/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a first blade mounted on the feed roller and a second blade fixedly mounted and positioned to interfere with the first blade set forth in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the

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disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it contains legal phraseology often used in patent claims such as "comprises" and "consisting of." Correction is required. See MPEP § 608.01(b). In addition, the abstract includes a long sentence which is not clear. It is not clear what are the important parts and functions of the invention set forth in the abstract.

4. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

5. The disclosure is objected to because of the following informalities: the specification does not include section headings. It should be noted that each section of the specification should have a section heading. See "Arrangement of the Specification" in MPEP 608.01(a). Appropriate correction is required.

6. The specification is objected to under 37 CFR 1.71 because it fails to teach how the pre-established length of the paper is cut. The specification fails to teach first and second

blades. The specification fails to teach how the first and second blade work with the parts of the dispensing device to cut a length of the paper.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claims 1 and 7, the specification fails to teach how “a pre-established length of band” or the paper is cut. The specification fails to teach a cutting unit or first and second blades. The specification fails to teach how the first and second blade works with the parts of the dispensing device to cut a length of the paper.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, “a band feeding and cutting unit of the type in which it is the pull exerted by the user on the tip of paper (c) projecting from the device that controls the feeding of a pre-established length band and cutting thereof” is not clear. It is not clear what type of band feeding and cutting unit is claimed. It is not clear what encompasses

the band feeding and cutting unit. Regarding claim 1, “case consisting of a base (1)...” is not accurate. It should be noted that the case of the dispensing device does not only contains the parts recited in claim 1. In this case, the closed transitional phrase of “consisting of” is not a proper transitional phrase. Regarding claim 1, “starting tip (S) of the spare roll” lacks antecedent basis. Regarding claim 2, “the mechanism for automatically replacing the roll ® consist of a frame ...” is not accurate. It should be noted that the mechanism for replacing the roll contains more parts than the parts recited in claim 2. In this case, the closed transitional phrase of “consisting of” is not a proper transitional phrase. Regarding claim 3, “consist of” also raises the same issues as stated with respect to claim 2.

Claim Objections

11. Claim 4-10 objected to under 37 CFR 1.75(c) as being in improper form because the multiple dependent claim 4 depends from claims 2 and 3 rather than only claim 2 or 3. In addition, claims 5-8 depend from one or more claims preceding claims rather than a single claim. Claims 9-10 depend from claim 8 which is improperly depends from other claims. See MPEP § 608.01(n). Accordingly, the claims 4-10 have not been further treated on the merits.

12. Claim 2 is objected to because of the following informalities: in claim 2, lines 2-3; “said frame being provided on its inside with a first pivot” should be -- said frame has an inside in which a first pivot is provided--. In claim 2, line 10; “that it can follow the profile of the cam” should be --that the relevant peg can follow the profile of the cam--. Appropriate correction is required.

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 1-3, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Granger (6,006,642) in view of Morand (4,846,412). Regarding claim 1, Granger teaches a dispensing device for paper sheets cut from a continuous band wound up in a roll RS comprising a case 1 consisting of a base and a cover 2 provided with a bottom opening as paper outlet, characterized in that it includes a mechanism for automatically replacing the finished roll with a spare roll RR, a band feeding and cutting unit 5 of the type in which it is the pull exerted by the user on the tip of paper projecting from the device that controls the feeding of a pre-established length of band and the cutting thereof, means for retaining the starting tip of said spare roll, means for the top hinging of said cover to said base. See Figs. 1-5 and col. 5, lines 1-64 in Granger. Granger does not explicitly teach connection means suitable to turn a push on the cover into a driving impulse for said feeding and cutting unit. However, Morand teaches connection means 60 suitable to turn a push on a cover 80 into a driving impulse for said feeding and cutting unit. See Figs. 1-5 in Morand. It should be noted that pressure on the connection means 60 also exert some pressure on the cover 80. It would have been obvious to a person of ordinary skill in the art to provide Granger's dispenser device with the connection means, as taught by Morand, in order to manually feed the paper in an alternative manner that facilitates dispensing of the paper from the dispenser device.

Regarding claim 2, Granger teaches everything noted above including that the mechanism for automatically replacing the roll RS consists of a frame rotatably mounted on a frame of the feeding and cutting unit, said frame being provided on its inside with a first pivot that carries a pair of independent arms carrying respectively the first roll and the spare roll, on the same internal side of the frame there being provided a second more advanced pivot that carries a plate on which there is formed a cam shaped with a horizontal top portion and a rear vertical portion connected by a substantially curved front portion, each of the arms being provided with a relevant peg positioned so that it can follow the profile of the cam. See Figs. 1-5 in Granger.

Regarding claim 3, Granger, as modified above, does not explicitly teach that the means for retaining the starting tip of the spare roll RR consist of a rubber panel with a cross-shaped cut. However, Official Notice is taken that the use of a rubber panel with a cross-shaped cut for retaining the tip of a roll is well known in et art.

15. Claim 1, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Morand in view of Granger. Regarding claim 1, Morand teaches a dispensing device for paper sheets cut from a continuous band wound up in a roll 18 comprising a case 12 consisting of a base 16 and a cover 80 provided with a bottom opening as paper outlet, characterized in that it includes a mechanism for automatically replacing the finished roll with a spare roll 40, a band feeding 20 of the type in which it is the pull exerted by the user on the tip of paper projecting from the device that controls the feeding of a pre-established length of band thereof, means for retaining the starting tip of said spare roll, means for the top hinging of said cover to said base. Se Figs. 1-6 in Morand. Morand does

not teach that the band feed roller is also a cutting roller. However, the use of a feeding and cutting type roller is dispenser devices are well known in the art such as taught by Granger. See Figs. 1-6 in Granger. It would have been obvious to a person of ordinary skill in the art to provide Morand's dispenser device with the feeding and cutting roller, as taught by Granger, in order to feed and cut the paper with the same roller.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Granger (4,844,361), Diring et al. (3,700,181), McDonald et al. (2,608,356), and Denen et al. (6,793,170) teach a dispensing device having a mechanism to automatically replace a finished roll.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GA

April 9, 2008

/Ghassem Alic/

Primary Examiner, Art Unit 3724